

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

ERIK LEE PIERCE,)	
)	
Plaintiff,)	Civil Case No. 06-1715-ST
)	
vs.)	ORDER
)	
CITY OF SALEM d/b/a WILLAMETTE)	
VALLEY COMMUNICATIONS)	
CENTER, MARION COUNTY, GRANT)	
ZAITS and JEFFREY GOODMAN,)	
)	
Defendants.)	
_____)	

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KING, Judge:

The Honorable Janice Stewart, United States Magistrate Judge, filed Findings and Recommendation on July 8, 2008. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). Both plaintiff and defendants have filed objections.

When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a *de novo* determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Having given a *de novo* review of the issues raised in the objections to the Findings and Recommendation, I find no error.

Accordingly, I ADOPT Judge Stewart's Findings and Recommendation (#72).

Defendants' Motion for Summary Judgment (#34) is DENIED, and plaintiff's Motion for Partial Summary Judgment against Marion County (#40) is DENIED.

Dated this 19th day of September, 2008.

/s/ Garr M. King
Garr M. King
United States District Judge